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LETTER DATED 2 APRIL 1992 FROM THE PERMANENT REPRESENTATIVE OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government and with reference to the letter from the Minister for Foreign Affairs of the Iraqi regime dated 1 April 1992 concerning the Kuwaiti and third-country prisoners, detainees and missing persons in Iraq (S/23767), I have the honour to inform you as follows:

1. The question of Kuwaiti and third-country prisoners, detainees and missing persons in Iraq is one of the foremost concerns of the Kuwaiti authorities inasmuch as it is a humanitarian and moral question with many consequences in religious and secular law and one that affects numerous Kuwaiti families. Accordingly, the lists drawn up are under constant review by the competent authorities, regular contacts are maintained with the families and relatives of prisoners, detainees and missing persons, and the lists are amended in the light of those contacts.

2. The Iraqi aggression and occupation inflicted considerable wilful damage on Kuwait in all areas of life and caused the displacement of more than two thirds of its inhabitants, whose repatriation was only completed at the end of last year. These factors have presented an enormous difficulty to the process of verifying information about those prisoners, detainees and missing persons whose names appeared in the first list.

3. The refusal of the Iraqi regime to submit truthful and complete accounts of those it is holding in its prisons, its procrastination in doing so, its persistent refusal up to the present moment to allow delegates of the International Committee of the Red Cross (ICRC) to visit Iraqi places of detention and prisons freely and without prior notice, as required by ICRC standard procedures, and its refusal to provide ICRC with any information on those prisoners and detainees who are missing and who have died have been another reason that the true number of those being imprisoned and detained by the Iraqi authorities has not been ascertained.

I should also like to state that, contrary to the allegations of the Minister for Foreign Affairs of the Iraqi regime, the Kuwaiti authorities did not make mistakes in entering the names and numbers of the Kuwaiti prisoners, detainees and missing persons but simply amended the previous list in the light of their constant efforts to ensure the accuracy of the count and its correspondence with reality.

The amendment of the list in no way absolves the Iraqi regime from its full responsibility for the fate of the prisoners, detainees and missing persons or from the requirement to cooperate with ICRC to enable it to register them, visit them and obtain their freedom.

The question of the prisoners, detainees and missing persons does not derive its importance from the numbers involved, large or small, but from the essence of human dignity and of rights and duties under secular and religious law and from the obligations of the Iraqi regime towards them.

As to the allegation of the Minister for Foreign Affairs of the Iraqi regime that the Kuwaiti authorities are simply trying to damage Iraq's reputation and contrive to have the Security Council maintain the embargo and economic boycott against it, the record of the Iraqi regime is replete with all kinds of violations of the relevant Security Council resolutions, with procrastination in implementing them and with constant attempts to evade them. Its inhuman practices vis-à-vis its own citizens are enough to mar its reputation in international forums, and we have no need to use a humanitarian issue such as that of the prisoners and detainees as a means of doing so. The Iraqi regime would do well to recall the questioning to which its representative was subjected in the Security Council on 11 March 1992, in order to realize the enormity and comprehensive character of the reasons that require the maintenance of the embargo and economic boycott imposed against it.

I should be grateful if you would have the text of this letter circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative